

April 5, 2007

Mr. John Spillman,
Chief, Transit System Planning Division
Miami-Dade Transit
111 N.W. 1st Street, Suite 910
Miami, Florida 33128

SUBJ: EPA Comments on the Final Environmental Impact Statement on
Miami North Corridor Study; Miami-Dade County, Florida.
CEQ #: 20070087, ERP #: FTA-E40775-FL.

Dear Mr. Spillman:

Pursuant to Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA), EPA Region 4 has reviewed the subject document. The Final Environmental Impact Statement (FEIS) evaluates the Federal Transit Administration (FTA) and Miami-Dade Transit (MDT) proposal to construct a 9.5 mile-long heavy rapid rail transit extension in North Miami-Dade County from NW 27th Avenue to the Miami-Dade/Broward County Line. The proposed project will also provide connections to major activity centers such as Miami-Dade College and Dolphin Stadium.

The FEIS evaluates three alternatives: no-build, Transportation System Management System (TSM), and preferred build. Modifications to the preferred alternative were made from the Supplemental DEIS to the FEIS. These modifications include alignment shifts, relocation of a station, reconfiguration of a station, and adding a pocket track and flyover connection.

The potential impacts identified in the FEIS include approximately three institutions, 91 business, and 21 residential relocations, 230 noise-sensitive sites, and visual impacts associated with nine miles of overhead guideway, seven elevated stations and seven park-and-ride facilities. These impacts primarily affect environmental justice (EJ) populations within the project area. In addition, forty-three medium to high risk contamination sites are located within the proposed alignment. Consequently, every effort should be made to ensure that mitigation recommendations related to the project are implemented and documented in the Record of Decision (ROD) as project commitments.

For the review of this FEIS, EPA focused primarily on Miami-Dade Transit's responses to our comments on the SDEIS, which were provided in the FEIS. We appreciated the responses in Section 8 to our agency's letter on the Supplemental DEIS (SDEIS) and to other public comments, as well as the inclusion of our letter in Section 14. The responses centered on addressing purpose and need, hybrid alternative, land-use and zoning, noise, environmental justice (EJ) and other societal issues. We offer the following

comments on the responses in the FEIS:

The FEIS only partially addressed our comments on potential water resource impacts. For example, the groundwater usage and recharge response is still insufficient. The FEIS proposes to treat and dispose of stormwater into exfiltration trenches. The use of exfiltration trenches may or may not be allowed by the regulations and permitting requirements protecting the sole source aquifer. EPA notes that Miami-Dade County Department of Environmental Resources will have to be consulted on stormwater disposal and treatment issues. A Class V injection well permit determination under the Safe Drinking Water Act will have to be made for the proposed trenches.

In addition, our concerns regarding surface water quality do not appear to have been completely addressed. The canal system in the western regions of the service area is regulated as Florida State waters just as any natural streams and rivers. Any discharges to these canals eventually reach the watershed of the Everglades, and, as such, have to meet applicable water quality standards. The specific, predicted effects of these discharges on water quality, and the current quality of these receiving waters; e.g., the canals, have not been discussed in sufficiently specific terms. The current conditions of these canals may or may not indicate any ability to assimilate the additional pollutant loadings proposed by the MDT for their discharges of stormwater runoff.

Overall, the FEIS addressed or incorporated the majority of EPA's comments into the document. Nonetheless, we have remaining environmental concerns regarding substantive noise, contaminated sites, and EJ impacts associated with the proposed project.

EPA notes that MDT proposes to mitigate the relocation of approximately 116 families within the EJ communities through the use of Relocation Assistance Program and Last Resort Housing Program. MDT also proposes to implement a number of other mitigation options including implementing joint development agreements that ensure that current minority owned business in the corridor receive preferential consideration for commercial space and advantageous rental rates for a specified period. MDT will also request the Board of County Commissioners adopt a property tax rebate program for businesses that are forced to relocate due to escalating rents. EPA commends MDT on their efforts to mitigate the adverse impacts associated with the proposed action.

The FEIS also states that operational train noise will result in increased noise levels in the corridor; and at several locations, the predicted noise impacts would be in the severe category per FTA criteria. The impacts primarily affect EJ populations in the project area. A detailed noise analysis is planned during final design, however, based on preliminary studies wheel-noise impacts will affect at least 209 single-family residential properties, three multifamily complexes (369 units), two motels (209 units), and 22 institutional structures without mitigation. MDT proposes to build a noise barrier along the sides of the elevated guideway to substantially reduce these impacts.

Forty-three contaminated sites have been identified as high to medium risk in the proposed corridor. A Phase 2 Environmental Site Assessment will be conducted during final design. MDT has committed to develop a remediation plan which will include removal of contaminated soil and treatment of petroleum contaminated groundwater. In addition, a Site Safety Plan will be developed to ensure construction worker safety.

In summary, EPA continues to support mass transit options as an alternative mode of transportation. We also appreciate the modifications from the SDEIS process to the FEIS. We request that our final comments be considered in the post-FEIS process and that the ROD incorporate the mitigation commitments for unavoidable impacts documents in the FEIS.

Thank you for the opportunity to comment on this proposed action and for addressing most of EPA's concerns. If we can be of further assistance, please feel free to contact Ntale Kajumba at (404) 562-9620.

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management